

# BARAFF, KOERNER & OLENDER, P.C.

ATTORNEYS AT LAW

THREE BETHESDA METRO CENTER, SUITE 640

BETHESDA, MARYLAND 20814-5392

DC (202) 686-3200

MD (301) 986-0500

FAX (301) 986-4844

DOCKET FILE COPY ORIGINAL

ROBERT L. OLENDER\*  
JAMES A. KOERNER

\*NOT ADMITTED IN MD

B. JAY BARAFF (Ret)

OF COUNSEL  
ROBERT BENNETT LUBIC\*

March 17, 1999

## HAND DELIVERY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

RECEIVED  
MAR 17 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY


Re: MM Docket No. 99-58  
RM-9461  
Strattanville, Pennsylvania

Dear Ms. Salas:

Transmitted herewith, on behalf of Strattan Broadcasting, Inc., are an original and four copies of its Opposition to the Notice of Proposed Rulemaking in the above-referenced proceeding.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours,

  
Robert L. Olender  
Counsel for  
Strattan Broadcasting, Inc.

RLO/mp

Enclosures

24280.SALAS.0317

No. of Copies rec'd  
List A B C D E

0+4

RECEIVED

MAR 17 1999

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

**ORIGINAL**

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 99-58
Table of Allotments,	)	RM-9461
FM Broadcast Stations,	)	
(Strattanville, Pennsylvania)	)	

To: Chief, Allocations Branch

**OPPOSITION**

Strattan Broadcasting, Inc., licensee of Station WMKX, Brookville, Pennsylvania (hereinafter "WMKX"), through Counsel, herein opposes the Notice of Proposed Rulemaking issued pursuant to a petition filed on December 22, 1998, by West Wind Broadcasting (hereinafter "WWB") proposing the allotment of Channel 267A at Strattanville, Pennsylvania.<sup>1</sup> In support thereof, the following is shown:

1. Attached as Exhibit 1 is a Statement from Jim Farley, President of Strattan Broadcasting, Inc., who indicates that the proposed allotment would be within WMKX's city grade signal. Accordingly, WMKX is a party of interest and has standing to participate in this proceeding. See, Sanders Brothers Radio Station v. FCC 309 U.S. 470.

---

<sup>1</sup> This Opposition is filed in accordance with the comment period expiring April 5, 1999.

2. Although WWB acknowledges that according to the 1990 census figures, Strattanville's total population is only 490, it does not reveal that 85.7% of families with children are in poverty.<sup>2</sup> Thus, this borough is in very dire economic condition. Furthermore, an examination of Strattanville clearly reveals that it does not constitute a community for allotment purposes, since it is devoid of the customary factors associated with determining community status, such as a public library, schools, shopping centers, newspaper and social or civic organizations.<sup>3</sup> The Commission has in the past rejected claims of community status where a nexus has not been shown between the political, social and community organizations in the community in question.<sup>4</sup>

3. Strattanville's only school closed about five (5) years ago. It has less than four (4) businesses within the borough limits. Most of the people go to Clarion for civic and social activities, and clearly Clarion is the source of all business activity. Thus, there does not appear to be any identifiable organizations, civic groups, schools or police to have a nexus with Strattanville; and thus its claims of community status should be rejected.<sup>5</sup>

---

<sup>2</sup> Source: Census of Population and Housing, 1990: Summary Tape file 3, The Pennsylvania State Data Center, Penn State Harrisburg, prepared December 1996 (Exhibit 2).

<sup>3</sup> See, e.g., Searles Valley, CA. 3 FCC Rcd 5221 (1990); see, also Naples, FL 41 RR 2d 1549 (1977).


<sup>4</sup> See, Gretna, Marianna, Quincy and Tallahassee, FL 6 FCC Rcd 633 (1991) and cases cited therein.

<sup>5</sup> See, Avon, N.C., MM Docket No. 98-152, RM-9338 (DA-99-496) released March 12, 1999.

**ACCORDINGLY**, it is hereby requested that the Commission dismiss the Notice of Proposed Rulemaking to allocated Channel 257A to Strattanville.

Respectfully submitted,

**STRATTAN BROADCASTING COMPANY**

By:   
Robert L. Olender  
Its Attorney

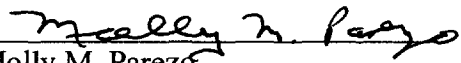
Date: March 17, 1999

**Baraff, Koerner & Olender, P.C.**  
3 Bethesda Metro Center  
Suite 640  
Bethesda, MD 20814  
(301) 986-0500

## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing  
**Opposition** was mailed, postage prepaid, this 17<sup>th</sup> day of March, 1999, to the following:

Victor A. Michael, Jr., President  
West Wind Broadcasting  
6807 Foxglove Drive  
Cheyenne, Wyoming 82009

  
Molly M. Parezo

# **EXHIBIT 1**

## **Statement**

## **STATEMENT**

I, James Farley, President of Strattan Broadcasting, Inc., licensee of Station WMKX (FM), Brookville, Pennsylvania, do hereby state under penalty of perjury that the following is true and correct to the best of my information, knowledge and belief:

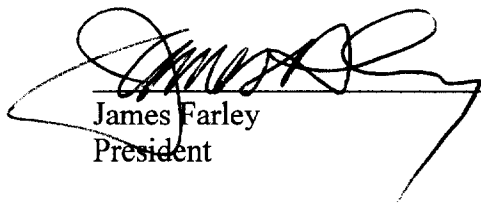
Station WMKX, Brookville, Pennsylvania, places a city-grade signal over the proposed Strattanville allotment, and as such, it derives a significant portion of its revenues from Clarion County, the area that the proponent for Strattanville would be seeking to derive its revenues. Therefore, WMKX would be greatly affected by the allocation of a competing channel in Strattanville, especially since Strattanville would be unable to support a station.

Based upon the information set forth in the attached Opposition, WMKX urges the Commission to deny this Petition for Rulemaking.

**STRATTAN BROADCASTING, INC.**

Date: \_\_\_\_\_

3/16/99

  
James Farley  
President

## **EXHIBIT 2**

### **Municipal Socio-Economic Profile**



# Municipal Socio-Economic Profile

County: Clarion  
Municipality: Strattanville borough

---

## INCOME

Per Capita	9,160
Household (median)	17,045
Family (median)	25,250
Married couple families (mean)	29,324
Female, no husb pres, w/children (mean)	8,439

## POVERTY

Families in Poverty (%)	15.2
Families w/children in poverty (%)	85.7
Female, no husb pres, w/children in pov. (%)	66.7
Persons in Poverty (%)	
White	21.8
Black	0.0
Other race	0.0
Hispanic	0.0
Persons 65 and over, in poverty (%)	17.5
Pers 65 & over livg alone, in pov (%)	100.0
Children (under 18) in poverty (%)	32.8

## EDUCATION

Persons age 3 and over enrolled in school	
Pre-primary school	18
Elementary or High School	53
College	16
Dropout rate (municipality)	25.5
Total Persons age 25 and over	
High school grad (%)	74.5
College grad (%)	10.4

## EMPLOYMENT

Employed persons age 16 and over	226
Employed in manufacturing industry (%)	15.0
Employed in service industry (%)	35.4
Unemployment rate - 1989	5.8
Families with no workers - 1989 (%)	8.7
Mean Income	9,864
Families with one worker - 1989 (%)	36.2
Mean Income	20,157
Families with two or more workers-1989 (%)	55.1
Mean Income	32,099
Females age 16 and over	
In labor force	125
Unemployment rate - 1989 (%)	8.0
Females age 16 and over, with children	
In labor force	43
Unemployment rate - 1989 (%)	1.3

**OCCUPATION**

Employed persons age 16 and over

Managerial (%)	16.4
Sales and support (%)	29.2
Service (%)	17.3
Farming (%)	0.9
Craft and Repair (%)	13.7
Labor (%)	22.6

**Source:** Census of Population and Housing, 1990: Summary Tape File 3**Prepared by:** The Pennsylvania State Data Center, Penn State Harrisburg**Date Prepared:** December, 1996For additional information, contact cmg11@psu.edu at (717) 948-6336.

---